

**NEWPORT BEACH PLANNING COMMISSION MINUTES**  
**Council Chambers – 3300 Newport Boulevard**  
**Thursday, March 7, 2013**  
**REGULAR MEETING**  
**6:30 p.m.**

I. **CALL TO ORDER** – The meeting was called to order at 6:30 p.m.

II. **PLEDGE OF ALLEGIANCE** – Commissioner Myers

III. **ROLL CALL**

PRESENT: Ameri, Hillgren, Kramer, Myers, and Toerge  
ABSENT (Excused): Brown and Tucker

Staff Present: Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; Tony Brine, City Traffic Engineer; Melinda Whelan, Assistant Planner; and Marlene Burns, Administrative Assistant

IV. **PUBLIC COMMENTS**

Chair Toerge invited those interested in addressing the Commission to do so at this time.

Mr. Jim Mosher referenced the minutes of the last meeting relative to the Uptown Newport project and related hearings and public comments. He addressed the large volume of documentation and the relatively small amount of time allowed for review and discussions. He encouraged the Commission to give care to the decisions it makes because it cannot be expected that they will be refined at the next level or review.

There being no others wishing to address the Commission on this matter, Chair Toerge closed the Public Comments portion of the meeting.

V. **REQUEST FOR CONTINUANCES** - None

VI. **CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF FEBRUARY 7, 2013**

**Recommended Action:** Approve and file

Chair Toerge noted corrections to the minutes that have been circulated including written changes submitted by Commissioner Tucker. It was noted that Mr. Mosher submitted written changes and that they would be incorporated into the minutes.

**Motion** made by Chair Toerge and seconded by Vice Chair Hillgren and carried 5 – 0 – 2, to approve the minutes of the Planning Commission meeting of the February 7, 2013, Regular meeting, as amended.

AYES: Ameri, Hillgren, Kramer, Myers, and Toerge  
NOES: None  
ABSTENTIONS: None  
ABSENT: Brown and Tucker

VII. **CURRENT BUSINESS**

**ITEM NO. 2 GENERAL PLAN ANNUAL STATUS REPORT INCLUDING HOUSING ELEMENT REPORT (PA2007-195)**  
**Site Location: City of Newport Beach**

Assistant Planner Melinda Whelan presented details of the report noting this is the annual report required by State law reviewing implementation of the General Plan including a review of the Housing Element implementation programs. She reviewed a change in format noting that reporting will apply to all of the implementation programs included in the General Plan, Chapter 13. She addressed guidelines provided by HCD and reported that staff received comments from Jim Mosher, addressed all of the typographical errors and added a few comments.

Chair Toerge noted typographical errors within the report and Ms. Whelan reported that typographical errors will be corrected. Regarding mobility, infrastructure and traffic management (N24), Chair Toerge indicated that there is no mention of bicycles or the master planning the City is proposing.

Ms. Whelan reported that a review of the actual programs will be done within the next few years and that staff will be looking to update the programs with a General Plan Update. She added that the report indicates programs that have been adopted and that any changes to the programs would require an amendment.

The matter of bicycles is discussed later in the report as programs to be implemented.

Deputy Community Development Director Wisneski stated that the report starting on handwritten page 41 is the report that the Planning Commission is being asked to review. The intent is to report the status of the ability to implement the program, itself.

Chair Toerge referenced handwritten page 46 relative to the preparation of new codes and guidelines and wondered whether the lot-merge issue should be included.

Ms. Whelan indicated that the issue was brought up in 2013 and that presently, the report relates to calendar year 2012.

Discussion followed regarding including the Uptown Newport development within section 14.2 (handwritten page 49) and the issue of coordinating with school districts.

Assistant City Attorney Mulvihill stated that staff will modify the sentence to reflect the encouragement of working with school districts changing boundaries when appropriate as done during the processing of Uptown Newport.

Regarding handwritten page 63 and the lane merge implemented in Corona del Mar, Chair Toerge recommended deleting the portion mentioning that the project was downsized noting that it is being further evaluated.

Discussion followed regarding handwritten page 47 related to maintaining development and tracking monitoring program, Ms. Whelan reported that the function is done through the City's GIS mapping system.

Chair Toerge inquired regarding the location of the ten two-unit and eighty-nine unit projects. Ms. Whelan reported that eighty-seven were in-fill units and were located throughout the City.

Commissioner Kramer's inquired regarding the process for amending the General Plan and the matter of Newport Coast being within the jurisdiction of the County.

Ms. Wisneski addressed the requirements at this time noting that it is not in preparation for any particular amendment. The Commission will receive a draft of the Housing Element. Regarding Newport Coast, she stated that, under the development agreement with the City, the County will retain the permitting authority of that area until it is built out.

Ms. Mulvihill provided additional clarification on the matter. She reported that staff can provide additional information on the Newport Coast annexation to Commissioner Kramer.

Commissioner Myers commented on the opportunity to review the General Plan and status of the implementation of the various elements. He commended staff for their great work and efforts.

Commissioner Hillgren agreed with Commissioner Myers's comments, referenced handwritten page 73 and requested clarification.

Ms. Mulvihill reported that were affordable units in the Bay Apartments the expired within the last few years.

Ms. Whelan explained that the Santa Barbara Condominium project amended their Affordable Housing Implementation Plan and is paying an in-lieu fee instead. She reported that she will look into the matter and report back to the Commission.

Regarding handwritten page 77 and the issue of in-lieu fees, Commissioner Hillgren wondered regarding the use of the funds accumulated.

Ms. Whelan reported that presently, there is an existing balance and that staff evaluates proposed private developments to see how the City can assist on a project-by-project basis. However, due to the high property values in the City, staff looks at other ways of using the fund such as rehabilitation of existing units to preserve affordability.

Ms. Whelan explained that by taking an in-lieu fee, the City can better provide for affordable housing units. The in-lieu fees must be used for affordable housing.

Chair Toerge noted that there were written comments submitted by Mr. Mosher and Ms. Whelan reported that some of them have been incorporated into the document. She added that some of his comments were a result of misunderstandings and that typographical errors have been addressed. She detailed the specific comments incorporated into the document including public utilities and the purchase or credits from other cities and Program 20.3 regarding the San Miguel Street Bridge.

Interested parties were invited to address the Commission on this matter.

Jim Mosher felt that there are a few things that fell through the cracks and addressed the importance of consistency and addressing implementation of programs. He referenced a comment by Council Member Daigle regarding the Uptown Newport project realizing the goal of revitalizing the airport area within the General Plan and indicated that he was not aware that the area was in need of being revitalized. He felt that there is poor planning within the General Plan and stressed the importance of keeping track of whether the General Plan is being followed or not.

There being no others wishing to address the Commission, Chair Toerge closed public comments for this item.

**Motion** made by Chair Toerge and seconded by Vice Chair Hillgren and carried 5 – 0 – 2, to forward to City Council for review and authorize submittal to the Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD) the General Plan Status Report including the Housing Element Report (PA2007-195) with the modifications discussed above.

AYES:	Ameri, Hillgren, Kramer, Myers, and Toerge
NOES:	None
ABSTENTIONS:	None
ABSENT:	Brown and Tucker

#### **VIII. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 3 MOTION FOR RECONSIDERATION - None**

**ITEM NO. 4 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT - Future Planning Projects**

Ms. Wisneski presented details of upcoming projects that will be appearing before the Planning Commission in the future. Among these were the Housing Element, the Telecommunications Ordinance, several private developments, the Newport Yacht Club and other City projects. She reported the approval of the Uptown Newport project by Council and reported that the Commission's April 4, 2013, meeting will need to be completed

by 8:30 p.m. and recommended beginning the meeting at 5:00 p.m. She presented information regarding items on that agenda.

**ITEM NO. 5 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT - None**

**ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES**

Commissioner Kramer requested an excused absence for the Planning Commission meeting of March 21, 2013.

**IX. ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:05 p.m.

The agenda for the Regular Meeting was posted on March 1, 2013, at 12:48 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.

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Michael Toerge, Chairman

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Fred Ameri, Secretary